

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Michael J. Weston,	)	Civil Action No. 1:09-cv-1741-RMG
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Michael J. Astrue, Commissioner of Social Security Administration,	)	
	)	
Defendant.	)	
	)	

---

Plaintiff filed this action seeking judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's application for Supplemental Security Income ("SSI") and Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to a United States Magistrate Judge for pretrial handling. As detailed herein, this Court adopts the Report and Recommendation of the Magistrate Judge.


The Magistrate Judge recommended reversing and remanding this matter to the ALJ for further administrative proceedings. (Dkt. No. 28). The Defendant filed notice that it did not intend to object. (Dkt. No. 30). Plaintiff has not objected.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the

Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

Having conducted a review of the Magistrate's report for any errors of law and finding none, this Court adopts the R&R of the Magistrate Judge as the Order of this Court and incorporates it by reference herein. Thus, based on the above and the grounds set forth in the Magistrate Judge's R&R, this matter is **reversed** pursuant to sentence four of 42 U.S.C. § 405(g) and **remanded** to the ALJ for further consideration.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
Richard Mark Gergel  
United States District Court Judge

January 24, 2011  
Charleston, South Carolina